

CITY OF STAMFORD



Sexual Harassment Policy

As Amended February 27, 2008

1. Purpose

The City of Stamford does not tolerate workplace sexual harassment. Sexual harassment violates an individual's fundamental rights and personal dignity. The City of Stamford considers sexual harassment, in all its forms, to be a serious offense.

The purpose of this policy is to define sexual harassment, provide procedures for the investigation of sexual harassment claims, and ensure that violations are remedied fully.

2. Sexual Harassment Defined

Sexual Harassment as defined by Connecticut Law is: "Any unwelcome sexual advance or requests for sexual favors or any conduct of a sexual nature when --

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or;
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

- Promising an employee, directly or indirectly, a reward if the employee complies with a sexually oriented request;
- Threatening, directly or indirectly, to retaliate against an employee, if the employee refuses to comply with a sexually oriented request;
- Denying, directly or indirectly, an employee an employment-related opportunity, if the employee refuses to comply with a sexually oriented request;

- Engaging in sexually suggestive physical contact or touching another employee in a way that is unwelcome;
- Displaying, storing, or transmitting pornographic or sexually oriented materials using the City's equipment or facilities;
- Engaging in indecent exposure; or
- Making sexual or romantic advances toward an employee and persisting, despite the employee's rejection of the advances.

Sexual harassment can be physical or verbal in nature. An accumulation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on City premises and whether or not the incidents occur during working hours.

Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment typically involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority, vendors, etc., also can be found responsible for engaging in prohibited harassment.

Consensual sexual or romantic relationships between employees are strongly discouraged, especially if one employee has supervisory authority over the other employee.

3. Responsibilities

a. Employees

If any employee believes that he or she has been subjected to sexual harassment or any unwanted sexual attention, they should:

- Make a written record of the date, time, and nature of the incident(s) and the names of any witnesses; and
- Report the incident to Management within the City's Human Resources Division, or their supervisor.

All incidents of sexual harassment or inappropriate sexual conduct should be reported **immediately** regardless of their seriousness. While employees are strongly encouraged to utilize the City's internal complaint procedure, they are not limited to its use. Employees, who publicize information about alleged harassment and do not file or pursue a formal complaint, might be considered vexatious in their intent.

b. Supervisors

Supervisors must deal expeditiously and fairly with allegations of sexual harassment within their departments whether or not there has been a written or formal complaint. Supervisors must:

- Ensure that any and all harassment or inappropriate sexually oriented conduct is reported to the City's Human Resources Division.
- Act promptly to investigate sexual harassment or inappropriate sexually oriented conduct; *(Supervisors are directed to contact the Human Resources Division prior to conducting any investigations)*
- Take corrective action to prevent prohibited conduct from reoccurring.

Supervisors who knowingly allow or tolerate sexual harassment are in violation of this policy and subject to disciplinary action.

c. Equal Employment Officer/Human Resources Division

The Director of Human Resources is the City's designated EEO Officer and is responsible for:

- Ensuring that both the individual filing the complaint (hereafter referred to as the complainant), and the accused individual (hereafter referred to as the respondent), are aware of the seriousness of a sexual harassment complaint;
- Explaining the City's sexual harassment policy and investigation procedures to the complainant and the respondent;
- Exploring informal means of resolving sexual harassment complaints;
- Referring the complainant and/or the respondent to the City's Employee Assistance Program for counseling and referral services, if appropriate;
- Notifying the police if criminal activities are alleged; and
- Conducting or arranging for an investigation of the alleged harassment and the preparation of a written report and recommendation which will be sent to members of a decision-making panel (see 7. Report and Recommendation).

4. Informal Resolution Procedures

Employees often can stop or prevent sexual harassment by immediately and directly expressing their disapproval of an individual's sexually oriented attention or conduct. In any case, employees should report all incidents of sexual harassment or inappropriate sexually oriented conduct, to the Human Resources Division representative, or their supervisor.

In many cases, a supervisor's informal warning to an alleged harasser, combined with appropriate follow-up supervision and monitoring of the employee's behavior, might be sufficient to prevent or stop sexual harassment.

Some complaints can be resolved through informal mediation between the two parties. The Human Resources Division will arrange for or facilitate mediation between the parties and coordinate other informal problem resolution measures.

If mediation is successful, a written settlement agreement may be prepared. Generally, the mediation agreement may include:

- A pledge by the respondent not to engage in any behavior that could be construed as in violation of this policy
- A promise by the respondent not to retaliate against the complainant;
- The restoration of any employment terms, conditions, or opportunities the complainant lost or was denied because of the harassment and for any other relief necessary to remedy the situation; and
- Procedures for monitoring compliance with the agreement.

The settlement agreement must be in writing, signed by both parties, and approved by the Director of Human Resources.

If the complaint cannot be resolved informally, a member of the Human Resources Division will assist the complainant in filing a formal written sexual harassment complaint.

5. Formal Resolution Procedures

All incidents of sexual harassment or inappropriate sexually oriented conduct should be reported as provided in Section 3a. To initiate a formal investigation into an alleged violation of this policy, employees also must file a sexual harassment complaint with the City's Director of Human Resources or another Management member of the Human Resources Division.

Complaints should be filed as soon as possible after an incident of alleged sexual harassment. To ensure the prompt and thorough investigation of a sexual harassment complaint, the complainant should provide as much of the following information as is possible:

- The name, department, and position of the person or persons allegedly causing the harassment;
- A description of the incident(s), including the date(s), location(s), and the presence of any witnesses;
- The alleged effect of the incident(s) on the complainant's position, salary, benefits, promotional opportunities, or other terms or conditions of employment;

- The names of other employees who might have been subject to the same or similar harassment;
- The steps the complainant has taken to try to stop the harassment; and
- Any other information the complainant believes to be relevant to the harassment complaint.

6. Investigation

The Human Resources Division is responsible for ensuring that a thorough investigation begins as soon as possible after a complaint has been filed. The City attempts to complete investigations within 30 working days or within a reasonable time frame.

In most cases, the Human Resources Division conducts the investigation. However, the Human Resource Division might appoint a qualified representative or an independent outside investigator to lead the investigation, if necessary, to expedite the resolution of a complaint or resolve any potential conflict of interest.

The investigator will contact the respondent, give him or her a copy of the complaint, solicit the respondent's account of the alleged incidents, inform the respondent that a recommendation and report will be prepared, and advise the respondent of his or her right to be represented by their Union Representative or by legal counsel.

7. Report and Recommendation

The Human Resources Department or designated investigator will prepare a written report and recommendation immediately following the completion of the investigation. Except in the most unusual circumstances, the report will be completed within 15 working days after the completion of the investigation.

The report and recommendation may include:

- A summary of the complaint.
- A summary of the response by the individual charged with harassment.
- A summary of the statements and evidence obtained during the investigation.
- A finding of whether a violation of this policy occurred and an explanation supporting the finding. If a violation occurred, the finding must include a statement about the severity of the violation.

NOTE: Policy violations can include prohibited sexual harassment as well as a reckless, frivolous, or vexatious filing of a sexual harassment complaint.

- A summary of prior settlements or substantiated complaints against the respondent or against the complainant, if appropriate.
- A recommendation of a disciplinary action, if appropriate, against the respondent if the complaint was supported, and against the complainant, if appropriate, for filing a false complaint
- A recommendation as to the restoration of any employment terms, conditions, or opportunities the complainant might have lost as a result of sexual harassment.
- An appendix containing the complaint, statements of the complainant and the respondent, witness statements, and other tangible evidence obtained during the investigation.

A copy of the report and recommendation must be sent to members of a decision-making panel consisting of the Director of Human Resources, the Director of Legal Affairs and the respondent's Director or immediate superior. After consideration of the report, the panel must agree to one of the following:

- Sustain the complaint, order the harassment to stop, impose appropriate sanctions on the harasser, recommend the restoration of any employment benefits the complainant lost because of the harassment, and provide any other relief necessary to remedy the situation.
- Order further investigation, for a period not to exceed 10 working days, and require a supplementary report and recommendation.
- Dismiss the complaint, if it is found to be without merit. The decision-making panel may impose discipline against the complainant if it agrees with the investigation's findings that the complaint was reckless, frivolous, fraudulent or vexatious.
- Recommend some other resolution which will be agreeable and satisfactory to the complainant, if the complaint is found to have merit.

8. Monitoring Compliance

The supervisor, of an individual found to have violated this policy, is responsible for monitoring the individual's compliance with any mediation agreement or recommendation approved by the decision-making panel. The supervisor must ensure that the harassment does not reoccur and that the complainant is not subjected to retaliation of any kind.

9. Discipline

Employees who violate this policy are subject to appropriate disciplinary action. This disciplinary action may include minimum discipline in a written reprimand but may include up to termination of employment for very serious or repeat violations.

10. Confidentiality

All inquiries, complaints, and investigations are treated confidentially consistent with Connecticut Laws. Information is revealed strictly on a need-to-know or of right basis.

Information contained in a formal complaint is kept confidential. However, the identity of the complainant and the content of the complaint usually are revealed to the respondent and witnesses. The Director of Human Resources will take adequate steps to ensure that the complainant is protected from retaliation during the period of the investigation and beyond, and that confidentiality will be maintained, to the extent possible, without hindering the investigation.

A copy of the investigation report and the final decision is included in the personnel file of the respondent only if the investigation and decision-making panel conclude that the individual engaged in prohibited conduct.

No record of a complaint is kept in the complainant's and/or the respondent's personnel file, unless the investigation concludes that the complaint was reckless, frivolous, fraudulent or vexatious.

All information pertaining to a sexual harassment complaint or investigation is maintained by the Human Resources Division in secure files.

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